

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case Number 07-cv-6184

AFFIDAVIT OF SUPPORT

1. I, Said Dandoune, am a citizen of Morocco by birth. I aspire to build an honest life in the United States and have always complied with the laws of this country as well as every other country in which I have resided and traveled. I have never been arrested or convicted of any crime.
2. I entered the United States on April 15, 2000 on a student visa, in order to attend school at Oklahoma City University. I enrolled in the Master's of Business Administration program. However, I was forced to drop out of the program in June 2001, because I could no longer afford to pay the university tuition. I decided to move to New York, where my brother was living, to see if there was a way I could to continue to pay for my studies.
3. In the spring of 2001, I met my future wife, April Szykeruk. A mutual friend of ours had introduced us to each other. After spending some time with her as friends, I found that April was beautiful, cultured, and intelligent yet modest. We started to date in March 2002, and before long I truly fell in love with her. I think that the first time I looked into her eyes, I knew she was the woman I wanted to marry.
4. April and I married on January 24, 2003 in City Hall, New York. April filed an I-130 petition to sponsor me for permanent residence, and I also filed an adjustment application with the Immigration Service. Both were received by the immigration service on February 3, 2003, and have been pending since that time, for over four years and four months.
5. The delay to our I-130 petition and I-485 application is far longer than the U.S. Citizenship & Immigration Services' adjudication timelines ever published by USCIS. According to the U.S.C.I.S.' National Benefit Center's published processing times for I-130 petitions, that office is currently adjudicating I-130 petitions received by March 15, 2007. According to the U.S.C.I.S.' New York District Office's stated processing times, that office is currently adjudicating I-485 applications that were filed on August 18, 2006. Our cases have passed these published timelines by more than four years and one month for the I-130 petition and over three years and six months for the I-485 application.
6. We have tried numerous ways to resolve the delay. I have personally scheduled and attended an estimated 16 "Info pass" appointments to inquire about my case. My former attorney has sent written inquiries to USCIS, and my Congressperson, Carolyn Maloney, has inquired with U.S.C.I.S. Responses from USCIS and the FBI failed to provide concrete information about what is being done to resolve my pending FBI name check, and how much longer it may take to complete. Moreover, I do not understand why the U.S.C.I.S. cannot at least adjudicate my wife's I-130 petition, as we were advised by the officer who interviewed us that our petition was approvable. In the New York District Office, the longstanding policy has always been that if an immigration officer is satisfied regarding the qualifying relationship supporting the I-130 petition, he or she is directed to approve I-130 petition, even if the adjustment applicant's security checks have not been

completed. Because our interviewing officer advised us that he was satisfied that our marriage was genuine, there is no reason why the I-130 petition should not have already been approved. As it stands now, our applications may remain pending for another 3 years, 10 years, or forever.

7. We respectfully submit to this honorable court following statement detailing the damages and hardship to our professional and personal life as a result of the lengthy delay.

A. Damages to employment/livelihood

8. Because my applications have remained unresolved by the immigration service for the last several years, I have had to take considerable time from my livelihood in order to follow up with the immigration service. As stated above, I have personally attended about 16 "Info pass" appointments to inquire on the status of my applications. Each of these appointments take at a minimum about 4 hours, as it entails waiting many hours every time in order to speak to an information officer. Every time I have attended an "Info pass" appointment I have had to take one day off from work. This has an extremely disruptive impact on my livelihood, as I am a small business owner and do not employ any staff.

2. Financial burden: renewals of employment authorization cards alone have cost \$1,120.00 and will cost \$440.00 per year going forward

9. Applicants with pending adjustment applications must annually renew their employment authorization documents (work permits) in order to continue being able to work in the United States while their immigrant petitions and/or adjustment applications are pending with U.S.C.I.S. Because my adjustment application has been pending for the last four years, I have been required to obtain four work permits in order to continue working legally in the U.S.
10. The cost of each renewal has been \$280.00, as the filing fee charged by U.S.C.I.S. is \$180.00 per renewal, and my former attorney's fee to prepare the application is \$100.00. However, because the U.S.C.I.S. is increasing all immigration filing fees as of July 31, 2007, the increased fee to file a work permit application will be \$340.00. Therefore, going forward, the cost for me to renew my work permit will be \$440.00 per renewal.
11. Each renewal is only valid for a maximum period of one year. Moreover, although U.S.C.I.S. is under a mandate to issue work permits within 90 days, oftentimes they are unable to meet this goal. Additionally, although the U.S.C.I.S. used to have a procedure in place to issue "interim" work permits for individuals whose work permit applications exceeded the 90 day timeline, the U.S.C.I.S. did away with this program in October 2006, leaving applicants with no other recourse but to wait out the processing of their applications. This creates a tremendous amount of frustration and worry on the part of applicants such as myself, who are not allowed to work after the expiration date of their current work permit.
12. The total cost I have paid for having to renew my work permit four times has thus far been \$1,120.00. Moreover, I will have to pay an additional \$440.00 per year for future renewals until my adjustment application is adjudicated.

C. I have been unable to travel outside the United States